



State of Vermont
Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section
One National Life Drive
Montpelier, VT 05633-5001
vtrans.vermont.gov

Agency of Transportation

! REVISED LETTER OF INTENT!
THIS IS NOT A PERMIT

July 21, 2015

Villejo Ventures, LLC
David Villeneuve
PO Box 360
Underhill, VT 05489

Subject: Jericho, VT15, L.S. 183+20 ~ 186+90 LT & RT

Dear David:

Your highway permit application to modify an existing access to service the proposed Jericho Village Market, construct a new access to service an interim Chittenden County Transportation Authority (CCTA) commuter parking lot; and bore under VT 15 for a waterline connection, at the above-referenced location, has been reviewed and found to meet the requirements for work within the highway right-of-way.

Title 19 VSA § 1111 requires that we ensure compliance with all local ordinances and regulations relating to highways. **Your highway permit application will be processed after you provide us with copies of your Act 250 and/or local approvals, including all conditions.** In cases where local zoning does not exist, a letter from the legislative body of the municipality will be acceptable.

The following special conditions will need to be satisfied prior to the permit being issued:

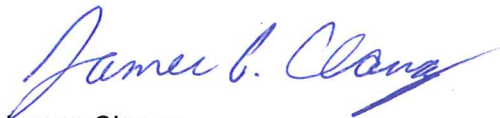
The previously approved Letters of Intent, dated September 10, 2007 for the Village Mill Restaurant and Grill site, and dated February 11, 2015 for the Jericho Market (see attached) are hereby voided. **This Permit will not be issued until a 30-foot access easement across the Jericho Market lot allowing access from the Village Mill Restaurant and Grill site is recorded in the Town of Jericho Land Records.**

This commitment is valid for two years from the date of this letter. Should your other permits require a longer time period, please contact us relative to an extension of time.

This Letter of Intent addresses only access to, work within, and drainage affecting the State highway. It does not address other possible transportation issues, such as access to town highways, use of private roads, and use of railroad crossings. If relevant to the proposed development, such issues must be addressed separately.

If you have any further questions about this matter, please call me at (802) 828-2486.

Sincerely,



James Clancy
Permit Supervisor

Reviewed by:  Date: 7/21/15
Craig Keller, PE, Chief of Permitting Services

Attachments

cc: Town of Jericho
District Environmental Coordinator #4
Chittenden County Regional Planning Commission
Trudell Consulting Engineers, Inc.

SPECIAL CONDITIONS

This permit is granted subject to the restrictions and conditions on the back of the permit, with particular attention given to the Special Conditions listed below. This permit pertains only to the authority exercised by the Vermont Agency of Transportation (Agency) under Vermont Statutes Annotated, Title 19, Section 1111, and does not relieve the Permit Holder from the requirements of otherwise applicable statutes, rules, regulations or ordinances (e.g., Act 250, zoning, etc.). The Permit Holder shall observe and comply with all Federal and State laws and local bylaws, ordinances, and regulations in any manner affecting the conduct of the work and the action or operation of those engaged in the work, including all orders or decrees as exist at present and those which may be enacted later by bodies or tribunals having jurisdiction or authority over the work, and the Permit Holder shall defend, indemnify, and save harmless the State and all its officers, agents, and employees against any claim or liability arising from or based on the violation of any such law, bylaws, ordinances, regulations, order, or decree, whether by the Permit Holder in person, by an employee of the Permit Holder, by a person or entity hired by the Permit Holder, or by a Subcontractor or supplier.

The Permit Holder shall accomplish all work under this permit in accordance with detail "C" and detail "A" and the profile and notes of standard drawing B-71 and D-20 respectively, copies attached, and the attached plan dated received January 22, 2015. The interim Chittenden County Transportation Authority (CCTA) commuter parking lot access is shown on the Trudell Consulting Engineers plan dated stamped "Received July 20, 2015."

A 30-foot access easement across the Jericho Market lot allowing access from the Village Mill Restaurant and Grill site is recorded in the Town of Jericho Land Records.

A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such meeting.

Please note that the Vermont Agency of Transportation is not a member of Dig Safe. The Permit Holder shall also contact Steve Guyette (802) 343-2188. Mr. Guyette will need to locate and mark all existing buried utility facilities owned by the Agency near the location of the proposed work.

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

All grading within the State Highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or his or her staff. The Permit Holder shall be responsible for ensuring that all grading work in or on the State Highway right-of-way complies with applicable statutes, rules, regulations or ordinances.

In areas to be grass covered, the Permit Holder shall restore turf by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch, all to the satisfaction of the District Transportation Administrator. The Permit Holder shall be responsible for ensuring that all turf restoration work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

This permit does not become effective until the Permit Holder records, in the office of the appropriate municipal clerk, the attached "Notice of Permit Action."

Upon completion of the work, the Permit Holder shall be responsible to schedule and hold a final inspection. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such inspection.

One year (1) and five (5) years after the Jericho Market is fully constructed and occupied, the Permit Holder shall provide an updated Traffic Impact Study (TIS) analyzing the need for construction of a left-turn lane at the entrance to the site along VT 15. The TIS will need to include crash records in the vicinity to ascertain if highway safety in the study area is negatively impacted. If, as a result of the studies, VTrans identifies congestion or safety problems, then VTrans will determine the appropriate mitigation measures to ameliorate the adverse condition and the developer will be responsible for implementing such mitigation measures.

One year (1) after the Jericho Market is fully constructed and occupied, the Permit Holder shall submit a roadway access plan to VTrans for the full development of the Villeneuve property as indicated in the attached Jericho Village Market Plan, date stamped "Received June 25, 2015." The plan will estimate the traffic generation for the level of development presented in the Jericho Village Market Plan, indicate where the primary access to VT 15 would be located, and evaluate the need for turning lanes and other roadway modifications at the primary access to VT 15. Recommended roadway modifications shall be coordinated with improvements anticipated at the intersection of VT 15 and Dickerson Street and include appropriate pedestrian and bicycle accommodations. The Permit Holder shall submit a document that summarizes the result of the trip generation estimate and traffic analysis and includes preliminary plans showing all proposed modifications to VT 15.

This access will serve as the only access to this property and to any future subdivisions of this property unless approved otherwise by the Agency. The Permit Holder is required to allow a connection and to grant an associated right to pass between the access and adjoining properties (in the future) that will result in a combination of accesses to serve more than one property or lot. By issuance of this permit, the Agency revokes all previous permits for access to this property.

A new "Vermont Agency of Transportation approved" culvert shall be placed under the access. The size shall be "18" inches in diameter. The culvert shall be placed so that existing normal drainage flow is undisturbed and ponding is not created. The Permit Holder may have to excavate the roadside drainage ditch to accommodate the required culvert. Culvert location shall be staked, reviewed and approved by the District Transportation Administrator prior to installation. There shall be no headwalls allowed within the State Highway right-of-way on the ends of drive culverts.

The access must be constructed in such a manner as to prevent water from flowing onto the State Highway. If the access is not constructed satisfactorily, the District Transportation Administrator can order reconstruction of the access at the Permit Holder's expense.

In the event traffic from this project increases to the point where traffic signals, additional lanes for turning or any other modifications are necessary, the Permit Holder shall bear the expense of such improvements or facilities. The Agency may require the Permit Holder to update or provide a traffic study to determine if additional modifications are necessary.

The Permit Holder is responsible for access maintenance (beyond the edge of paved shoulder). "Access maintenance" will include, but not be limited to, the surface of the access, the replacement and maintenance of the culvert, as necessary, the trimming of vegetation, and the removal of snow banks to provide corner sight distance.

In conformance with Vermont Statutes Annotated, Title 19, Section 1111(f), the Agency may eliminate this access in the future where development has burdened the highway system to such an extent that a frontage road or other access improvements (which may serve more than one property or lot) must be constructed to alleviate this burden. The Permit Holder shall bear the expense of the frontage road or other access improvements. The Agency shall determine the need of a frontage road or other improvements based upon and justified by standard Agency procedures.

The Permit Holder shall pave the access (drive) from the edge of paved shoulder to the State Highway right-of-way.

Should any portion of the utility facility installed within the State Highway right-of-way require relocation due to future highway improvements, the Permit Holder shall bear all expenses, and all necessary adjustments shall be completed in a timely manner.

In the event of the Permit Holder's failure to complete all the work, approved under this permit, by the "work completion date," the Agency, in addition to any other enforcement powers that may be provided for by law, may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Agency may physically close the driveway or access point if, in the Agency's opinion, safety of highways users is or may be affected.

The highway crossing shall be installed by jacking or boring in accordance with the attached standard D-20.

The Permit Holder must backfill all open trenches or pits at the end of each day. With permission from the District Transportation Administrator, trenches or pits may be left open for short periods of time if properly protected. In no case shall trenches or pits be left open over a weekend. The Permit Holder shall be responsible for ensuring that all trench or pit work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

The Permit Holder shall install an underground utility warning tape or tracer wire system to detect, locate and identify the approved underground utility facility. As part of the final inspection the District Transportation Administrator may require a conductivity test prior to acceptance of the work. Additionally, if the utility warning system becomes unreliable or inoperable in the future the Agency may require that the Permit Holder repair or install a replacement system.

The Permit Holder shall promptly and unconditionally pay for full repair and restoration of any and all damages to existing underground utility facilities (meaning any underground pipe, conduit, wire or cable, including appurtenances) that have been brought about by the execution of the permitted work. The Permit Holder also is required to pay for any costs to repair the highway following and resulting from any repairs to existing utilities occurring as a result of the work covered by this permit. Except with the specific, written permission of the Engineer, the Permit Holder or his or her contractor shall expose all underground facilities to verify their location and depth, at each location where the authorized boring or drilling work crosses a facility; and at reasonable intervals when closely paralleling a facility. Whenever possible, existing facilities should be crossed at a perpendicular angle. The Permit Holder shall be responsible for obtaining the modification of this permit, if necessary, for any additional survey work before initiating boring or drilling operations under the permit. The Agency will treat the Permit Holder's failure to fully, promptly, and conscientiously comply with all of conditions of this paragraph, including but not limited to the obligation to pay for repairs, as grounds for the

Agency to refuse to grant any further requests by the Permit Holder for any other permits for subsurface work unless the Permit Holder furnishes irrevocable financial security, in a type and an amount deemed sufficient by the Agency in its sole discretion, prior to such future subsurface work.

The Permit Holder shall verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency standards and any additional traffic control deemed necessary by the District Transportation Administrator. The Permit Holder's failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

The Permit Holder will perform construction in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, the Permit Holder shall provide a sign package that conforms to the MUTCD (Manual on Uniform Traffic Control Devices) or Agency standards, as well as trained Flaggers. The District Transportation Administrator may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the District Transportation Administrator may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of UTOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

The Permit Holder shall ensure that all workers exposed to the risks of moving highway traffic and/or construction equipment wear high-visibility safety apparel meeting the requirements of ISEA (International Safety Equipment Association) "American National Standards for High-Visibility Safety Apparel," and labeled as ANSI (American National Standards Institute) 107-2004, or latest revisions, for Performance Class 2 or 3 requirements. A competent person - one designated by the Permit Holder's Contractor to be responsible for worker safety within the activity area of the State highway right-of-way - shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

Independence; Liability: The Permit Holder will act in an independent capacity and not as officers or employees of the State.

The Permit Holder shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Permit Holder or of any agent of the Permit Holder. The State shall notify the Permit Holder in the event of any such claim or suit, and the Permit Holder shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement, the Permit Holder may request recoupment of specific defense costs and may file suit in the Washington Superior Court requesting recoupment. The Permit Holder shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Permit Holder.

The Permit Holder shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Permit Holder.

Insurance: Before beginning any work under this Permit the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State for the duration of work under the Permit. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations. These are solely minimums that have been established to protect the interests of the State.

Workers Compensation: With respect to all operations performed under the Permit, the Permit Holder shall carry workers compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the Permit, the Permit Holder shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations
Products and Completed Operations
Personal Injury Liability
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$2,000,000 Per Occurrence
\$2,000,000 General Aggregate
\$2,000,000 Products/Completed Operations Aggregate
\$ 50,000 Fire/Legal Liability

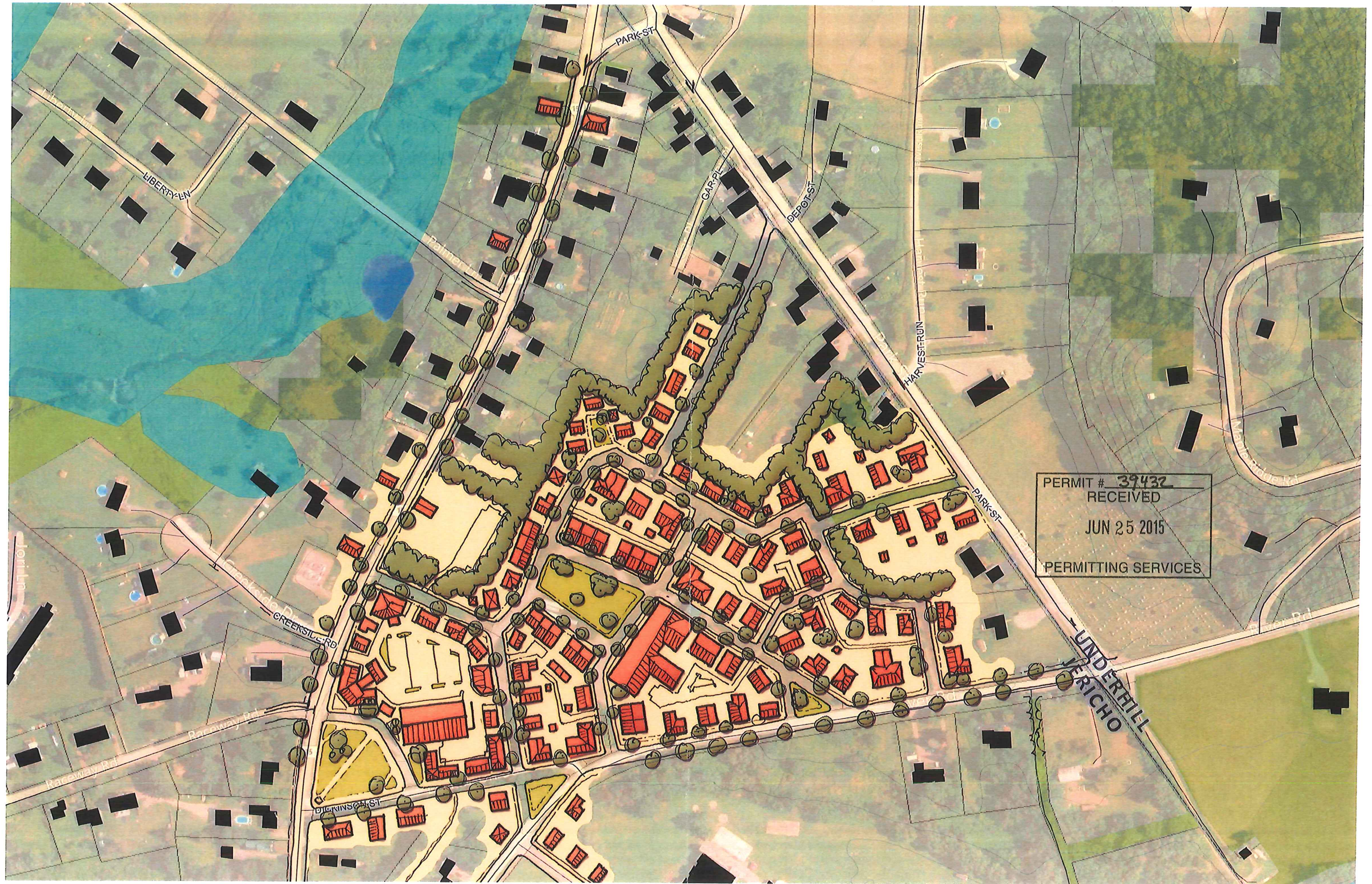
Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Villejo Ventures, LLC
Jericho, VT 15, L.S. 183+20 ~ 186+90 LT & RT
July 21, 2015
Page 7 of 7

Automotive Liability: The Permit Holder shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Permit. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

DRAFT



PERMIT # 39432
RECEIVED
JUN 25 2015
PERMITTING SERVICES



State of Vermont
Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section
One National Life Drive
Montpelier, VT 05633-5001
vtrans.vermont.gov

[phone] 802-828-2653
[fax] 802-828-2456
[ttd] 800-253-0191

Agency of Transportation

! LETTER OF INTENT !
THIS IS NOT A PERMIT

February 11, 2015

Villejo Ventures, LLC
David Villeneuve
PO Box 360
Underhill, VT 05489

Subject: Jericho, VT15, L.S. 183+20 LT & RT

Dear David:

Your highway permit application to modify an existing access; install an 18" culvert; and bore under VT15 for waterline connection, at the above-referenced location, has been reviewed and found to meet the requirements for work within the highway right-of-way.

Title 19 VSA § 1111 requires that we ensure compliance with all local ordinances and regulations relating to highways. **Your highway permit application will be processed after you provide us with copies of your Act 250 and/or local approvals, including all conditions.** In cases where local zoning does not exist, a letter from the legislative body of the municipality will be acceptable.

The following special conditions will need to be satisfied prior to the permit being issued:

1. The previously approved Letter of Intent, #32147, dated September 10, 2007 for the Village Mill Restaurant and Grill site (see attached) is voided. This Permit will not be issued until a 30-foot access easement across the Jericho Market lot allowing access from the Village Mill Restaurant and Grill site is recorded in the Town of Jericho Land Records. The proposed Jericho Market access onto Vermont Route 15 will be the only direct connection to the State highway system after redevelopment of the earlier Villeneuve three (3) lot subdivision.
2. A left turn lane on Vermont Route 15 into the proposed Jericho Market access shall be designed, submitted and approved by VTrans prior to this Permit being issued. All costs to design and construct the left turn lane are the responsibility of Villejo Ventures, LLC.
3. A pedestrian crosswalk on Vermont Route 15 at the proposed Jericho Market access shall be designed, submitted and approved by VTrans prior to this Permit being issued. A sidewalk connection from Vermont Route 15 to the building entrance needs to be provided.
4. No work on the turn lane shall begin until a surety in the form of a bond or irrevocable letter of credit is provided to the Agency. The surety shall be an amount equal to the estimated construction costs and

shall remain in effect for 18 months after the Agency's final inspection of the work. A copy of this letter of credit or security bond shall be provided to the Development Review & Permitting Services Section and the District Transportation Administrator prior to the project preconstruction meeting.

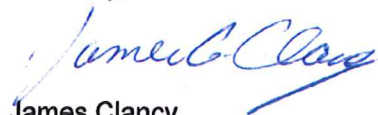
5. An inspection agreement between the Vermont Agency of Transportation and the owner/applicant, which covers periodic inspection of the work by an Agency representative, must be executed prior to the start of construction.

This commitment is valid for two years from the date of this letter. Should your other permits require a longer time period, please contact us relative to an extension of time.

This Letter of Intent addresses only access to, work within, and drainage affecting the State highway. It does not address other possible transportation issues, such as access to town highways, use of private roads, and use of railroad crossings. If relevant to the proposed development, such issues must be addressed separately.

If you have any further questions about this matter, please call me at (802) 828-2486.

Sincerely,



James Clancy
Permit Supervisor

Reviewed by:  Date: 2/11/2015
Craig S. Keller, P.E., Chief of Permitting Services

Attachments

cc: Town of Jericho
District Environmental Coordinator #4
Chittenden County Regional Planning Commission
Trudell Consulting Engineers, Inc.

SPECIAL CONDITIONS

This permit is granted subject to the restrictions and conditions on the back of the permit, with particular attention given to the Special Conditions listed below. This permit pertains only to the authority exercised by the Vermont Agency of Transportation (Agency) under Vermont Statutes Annotated, Title 19, Section 1111, and does not relieve the Permit Holder from the requirements of otherwise applicable statutes, rules, regulations or ordinances (e.g., Act 250, zoning, etc.). The Permit Holder shall observe and comply with all Federal and State laws and local bylaws, ordinances, and regulations in any manner affecting the conduct of the work and the action or operation of those engaged in the work, including all orders or decrees as exist at present and those which may be enacted later by bodies or tribunals having jurisdiction or authority over the work, and the Permit Holder shall defend, indemnify, and save harmless the State and all its officers, agents, and employees against any claim or liability arising from or based on the violation of any such law, bylaws, ordinances, regulations, order, or decree, whether by the Permit Holder in person, by an employee of the Permit Holder, by a person or entity hired by the Permit Holder, or by a Subcontractor or supplier.

The Permit Holder shall accomplish all work under this permit in accordance with detail "C" and detail "A" and the profile and notes of standard drawing B-71 and D-20 respectively, copies attached, and the attached plan dated, received January 22, 2015.

After the applicant's contractor has been selected, the contractor is required to sign the permit application as the co-applicant. A copy of the signed permit shall be returned to the Development Review & Permitting Services Section prior to the preconstruction meeting.

The following special conditions will need to be satisfied prior to the permit being issued:

- 1. The previously approved Letter of Intent, #32147, dated September 10, 2007 for the Village Mill Restaurant and Grill site (see attached) is voided. This Permit will not be issued until a 30-foot access easement across the Jericho Market lot allowing access from the Village Mill Restaurant and Grill site is recorded in the Town of Jericho Land Records. The proposed Jericho Market access onto Vermont Route 15 will be the only direct connection to the State highway system after redevelopment of the earlier Villeneuve three (3) lot subdivision.**
- 2. A left turn lane on Vermont Route 15 into the proposed Jericho Market access shall be designed, submitted and approved by VTrans prior to this Permit being issued. All costs to design and construct the left turn lane are the responsibility of Villejo Ventures, LLC.**

Villejo Ventures, LLC
Jericho, VT15, L.S. 183+20 LT & RT
February 11, 2015
Page 2 of 7

3. A pedestrian crosswalk on Vermont Route 15 at the proposed Jericho Market access shall be designed, submitted and approved by VTrans prior to this Permit being issued. A sidewalk connection from Vermont Route 15 to the building entrance needs to be provided.
4. No work on the turn lane shall begin until a surety in the form of a bond or irrevocable letter of credit is provided to the Agency. The surety shall be an amount equal to the estimated construction costs and shall remain in effect for 18 months after the Agency's final inspection of the work. A copy of this letter of credit or security bond shall be provided to the Development Review & Permitting Services Section and the District Transportation Administrator prior to the project preconstruction meeting.
5. An inspection agreement between the Vermont Agency of Transportation and the owner/applicant, which covers periodic inspection of the work by an Agency representative, must be executed prior to the start of construction.

A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such meeting.

Please note that the Vermont Agency of Transportation is not a member of Dig Safe. The Permit Holder shall also contact Steve Guyette at his office phone (802) 655-1580 or cell phone (802) 343-2188. Mr. Guyette will need to locate and mark all existing buried utility facilities owned by the Agency near the location of the proposed work.

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

All grading within the State Highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or his or her staff. The Permit Holder shall be responsible for ensuring that all grading work in or on the State Highway right-of-way complies with applicable statutes, rules, regulations or ordinances.

In areas to be grass covered, the Permit Holder shall restore turf by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch all to the satisfaction of the District Transportation Administrator. The Permit Holder shall be responsible for ensuring that all turf restoration work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

Villejo Ventures, LLC
Jericho, VT15, L.S. 183+20 LT & RT
February 11, 2015
Page 3 of 7

This permit does not become effective until the Permit Holder records, in the office of the appropriate municipal clerk, the "Notice of Permit Action". Requested is the Book and Page for the three lot subdivision.

The access must be constructed in such a manner as to prevent water from flowing onto the State Highway. If the access is not constructed satisfactorily, the District Transportation Administrator can order reconstruction of the access at the Permit Holder's expense.

This access will serve as the only access to this property and to any future subdivisions of this property unless approved otherwise by the Agency. The Permit Holder is required to allow a connection and to grant an associated right to pass between the access and adjoining properties (in the future) that will result in a combination of accesses to serve more than one property or lot. By issuance of this permit, the Agency revokes all previous permits for access to this property.

A new "Vermont Agency of Transportation approved" culvert shall be placed under the access. The size shall be 18" inches in diameter. The culvert shall be placed so that existing normal drainage flow is undisturbed and ponding is not created. The Permit Holder may have to excavate the roadside drainage ditch to accommodate the required culvert. Culvert location shall be staked, reviewed and approved by the District Transportation Administrator prior to installation. There shall be no headwalls allowed within the State Highway right-of-way on the ends of drive culverts.

In the event traffic from this project increases to the point where traffic signals, additional lanes for turning or any other modifications are necessary, the Permit Holder shall bear the expense of such improvements or facilities. The Agency may require the Permit Holder to update or provide a traffic study to determine if additional modifications are necessary.

The Permit Holder is responsible for access maintenance (beyond the edge of paved shoulder). "Access maintenance" will include, but not be limited to, the surface of the access, the replacement and maintenance of the culvert, as necessary, the trimming of vegetation, and the removal of snow banks to provide corner sight distance.

In conformance with Vermont Statutes Annotated, Title 19, Section 1111(f), the Agency may eliminate this access in the future where development has burdened the highway system to such an extent that a frontage road or other access improvements (which may serve more than one property or lot) must be constructed to alleviate this burden. The Permit Holder shall bear the expense of the frontage road or other access improvements. The Agency shall determine the need of a frontage road or other improvements based upon and justified by standard Agency procedures.

Villejo Ventures, LLC
Jericho, VT15, L.S. 183+20 LT & RT
February 11, 2015
Page 4 of 7

The Permit Holder shall pave the access (drive) from the edge of paved shoulder to the State Highway right-of-way.

In the event of the Permit Holder's failure to complete all the work, approved under this permit, by the "work completion date," the Agency, in addition to any other enforcement powers that may be provided for by law, may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Agency may physically close the driveway or access point if, in the Agency's opinion, safety of highways users is or may be affected.

Should any portion of the utility facility installed within the highway right-of-way require relocation due to future highway improvements, all expenses will be borne by the Owner, its successors or assigns, and all necessary adjustments shall be completed in a timely manner.

The highway crossing shall be installed by jacking or boring in accordance with the attached standard D-20.

The Permit Holder must backfill all open trenches or pits at the end of each day. With permission from the District Transportation Administrator, trenches or pits may be left open for short periods of time if properly protected. In no case shall trenches or pits be left open over a weekend. The Permit Holder shall be responsible for ensuring that all trench or pit work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

The Permit Holder shall install an underground utility warning tape or tracer wire system to detect, locate and identify the approved underground utility facility. As part of the final inspection the District Transportation Administrator may require a conductivity test prior to acceptance of the work. Additionally, if the utility warning system becomes unreliable or inoperable in the future the Agency may require that the Permit Holder repair or install a replacement system.

The Permit Holder shall promptly and unconditionally pay for full repair and restoration of any and all damages to existing underground utility facilities (meaning any underground pipe, conduit, wire or cable, including appurtenances) that have been brought about by the execution of the permitted work. The Permit Holder also is required to pay for any costs to repair the highway following and resulting from any repairs to existing utilities occurring as a result of the work covered by this permit. Except with the specific, written permission of the Engineer, the Permit Holder or his or her contractor shall expose all underground facilities to verify their location and depth, at each location where the authorized boring or drilling work crosses a facility; and at reasonable intervals when closely paralleling a facility. Whenever possible, existing facilities should be crossed at a perpendicular angle. The Permit Holder shall be responsible for obtaining the modification

Villejo Ventures, LLC
Jericho, VT15, L.S. 183+20 LT & RT
February 11, 2015
Page 5 of 7

of this permit, if necessary, for any additional survey work before initiating boring or drilling operations under the permit. The Agency will treat the Permit Holder's failure to fully, promptly, and conscientiously comply with all of conditions of this paragraph, including but not limited to the obligation to pay for repairs, as grounds for the Agency to refuse to grant any further requests by the Permit Holder for any other permits for subsurface work unless the Permit Holder furnishes irrevocable financial security, in a type and an amount deemed sufficient by the Agency in its sole discretion, prior to such future subsurface work.

The Permit Holder shall verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency standards and any additional traffic control deemed necessary by the District Transportation Administrator. The Permit Holder's failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

The Permit Holder will perform construction in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, the Permit Holder shall provide a sign package that conforms to the MUTCD (Manual on Uniform Traffic Control Devices) or Agency standards, as well as trained Flaggers. The District Transportation Administrator may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the District Transportation Administrator may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of UTOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

The Permit Holder shall ensure that all workers exposed to the risks of moving highway traffic and/or construction equipment wear high-visibility safety apparel meeting the requirements of ISEA (International Safety Equipment Association) "American National Standards for High-Visibility Safety Apparel," and labeled as ANSI (American National Standards Institute) 107-2004, or latest revisions, for Performance Class 2 or 3 requirements. A competent person - one designated by the Permit Holder's Contractor to be responsible for worker safety within the activity area of the State highway right-of-way - shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

Independence; Liability: The Permit Holder will act in an independent capacity and not as officers or employees of the State.

The Permit Holder shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Permit Holder or of any agent of the Permit Holder. The State shall notify the Permit Holder in the event of any such claim or suit, and the Permit Holder shall immediately retain counsel and

Villejo Ventures, LLC
Jericho, VT15, L.S. 183+20 LT & RT
February 11, 2015
Page 6 of 7

otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement, the Permit Holder may request recoupment of specific defense costs and may file suit in the Washington Superior Court requesting recoupment. The Permit Holder shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Permit Holder.

The Permit Holder shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Permit Holder.

Insurance: Before beginning any work under this Permit the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State for the duration of work under the Permit. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations. These are solely minimums that have been established to protect the interests of the State.

Workers Compensation: With respect to all operations performed under the Permit, the Permit Holder shall carry workers compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the Permit, the Permit Holder shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations
Products and Completed Operations
Personal Injury Liability
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$2,000,000 Per Occurrence
\$2,000,000 General Aggregate
\$2,000,000 Products/Completed Operations Aggregate
\$ 50,000 Fire/Legal Liability

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Villejo Ventures, LLC
Jericho, VT15, L.S. 183+20 LT & RT
February 11, 2015
Page 7 of 7

Automotive Liability: The Permit Holder shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Permit. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.



State of Vermont
Utilities & Permits Unit
One National Life Drive
Montpelier, VT 05633-5001
www.aot.state.vt.us

Agency of Transportation

[phone] 802-828-2653
[fax] 802-828-5742
[ttd] 800-253-0191

**!!REVISED!!
! LETTER OF INTENT !
THIS IS NOT A PERMIT**

September 10, 2007

Villejo Ventures LLC.
Brenda Villeneuve
Po Box 360
Underhill, Vt 05489

Subject: Jericho, VT15 L.S. 184+25 RT.

Dear Brenda,

Your highway permit application to relocate an existing curb cut and bore an 8" water main & sleeve, at the above-referenced location, has been reviewed and found to meet the requirements for work within the highway right-of-way.

The Permit will **"NOT"** be issued until the 30' easement on Lot 3 allowing access from Lot 2 is recorded in the Town of Jericho Land Records. A revised set of plans showing the Book and Page where this easement has been recorded will need to be submitted to the Agency of Transportation before Permit is issued.

Title 19 VSA § 1111 requires that we ensure compliance with all local ordinances and regulations relating to highways. Your highway permit application will be processed after you provide us with copies of your Act 250 and/or local approvals, including all conditions. In cases where local zoning does not exist, a letter from the legislative body of the municipality will be acceptable.

When issued, the permit will contain, but will not be limited to, the attached Special Conditions.

This commitment is valid for two years from the date of this letter. Should your other permits require a longer time period, please contact us relative to an extension of time.

If you have any further questions about this matter, please call me at (802) 828-2487.

Sincerely,

Timothy B. French, Project Supervisor
Utilities & Permits Unit

Attachment

Reviewed:

Date: 9/10/07

Rob Hall, Utilities and Permits Supervisor

cc: Town of Jericho
District Environmental Coordinator #4
Chittenden County MPO
Trudell Consulting Engineers Inc



Veillejo Ventures LLC
Jericho, VT 15 L.S. 184+25 RT.
September 10, 2007
Page 1 of 4

!!REVISED!!
SPECIAL CONDITIONS

All work shall be accomplished in accordance with notes of standard drawing B-71, D-20, copy attached, and the attached plan dated August 30, 2007.

The Permit will **"NOT"** be issued until the 30' easement on Lot 3 allowing access from Lot 2 is recorded in the Town of Jericho Land Records. A revised set of plans showing the Book and Page where this easement has been recorded will need to be submitted to the Agency of Transportation before Permit is issued.

A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such meeting.

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

All grading within the highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or their staff.

In areas to be grass covered, the turf shall be restored by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch all to the satisfaction of the District Transportation Administrator.

The Permit Holder shall be responsible for all damages to persons and/or property due to or resulting from any work allowed under this permit. The Permit Holder shall defend, indemnify and save harmless the State, the Agency, and all of their officers, agents, and employees from all suits, actions, or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person, persons or property, including all costs or expenses to defend against such suits, actions or claims.

Veillejo Ventures LLC
Jericho, VT 15 L.S. 184+25 RT.
September 10, 2007
Page 2 of 4

Before starting any work within the State highway right-of-way, the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State until final inspection and acceptance of the work by the State's representative.

Workers' Compensation: With respect to all work within the State highway right-of-way by the Permit Holder or a contractor or other entity for the Permit Holder, the Permit Holder or other entity performing the work shall carry workers' compensation insurance for all workers performing the work in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all work within the State highway right-of-way, the entity performing the work shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations
Products and Completed Operations
Personal Injury Liability
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$1,000,000 Per Occurrence
\$1,000,000 General Aggregate
\$1,000,000 Products/Completed Products Aggregate
\$ 50,000 Fire Legal Liability

Automotive Liability: An entity performing work within the State highway right-of-way shall carry automotive liability insurance covering all owned, non-owned and hired vehicles used to perform work within the State highway right-of-way. Limits of coverage shall not be less than: \$1,000,000 Combined Single Limit.

No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations or the entity performing the work for the entity's operations. These are solely minimums that have been set to protect the interests of the State.

The access must be constructed in such a manner as to prevent water from flowing onto the state highway. If the access is not constructed satisfactorily, the District Transportation Administrator can order reconstruction of the access at the Owner's expense.

Veillejo Ventures LLC
Jericho, VT15 L.S. 184+25 RT.
September 10, 2007
Page 3 of 4

This access will serve as the only access to this property and to any future subdivisions of this property unless approved otherwise by the Vermont Agency of Transportation. The Permit Holder is required to allow a connection and to grant an associated right to pass between the access and adjoining properties (in the future) that will result in a combination of accesses to serve more than one property or lot. By issuance of this permit, all previous permits for access to this property are revoked.

Curbing or other suitable physical barriers must be installed to control ingress and egress of vehicles to the approved access only.

Curb material is as specified on the attached plan dated March 27, 2007.

In the event traffic from this project increases to the point where traffic signals, additional lanes for turning or any other modifications are necessary, the expense of such improvements or facilities shall be borne by the Permit Holder, his/her successors, and assigns. The Permit Holder may be required by the Agency to update or provide a traffic study to determine if additional modifications are necessary.

The Permit Holder is responsible for access maintenance (beyond the edge of paved shoulder). "Access maintenance" will include, but not be limited to, the surface of the access, the replacement and maintenance of the culvert, as necessary, the trimming of vegetation, and the removal of snowbanks to provide corner sight distance.

In conformance with Title 19 VSA § 1111(f), this access may be eliminated in the future where development has burdened the highway system to such an extent that a frontage road or other access improvements (which may serve more than one property or lot) must be constructed to alleviate this burden. The expense of the frontage road or other access improvements shall be borne by the Permit Holder, his/her successors or assigns of the properties abutting said frontage road or served by the access. The Agency of Transportation shall determine the need of a frontage road or other improvements based upon and justified by standard Agency procedures.

The access drive will be paved from the edge of paved shoulder to the highway right-of-way.

Veillejo Ventures LLC
Jericho, VT 15 L.S. 184+25 RT.
September 10, 2007
Page 4 of 4

In the event of the Permit Holder's failure to complete all the work, approved under this permit, by the "work completion date," the Agency of Transportation, in addition to any other enforcement powers that may be provided for by law, may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the agency, may physically close the driveway or access point if, in the opinion of the Agency, that safety of highways users is or may be affected.

The highway crossing shall be installed by jacking or boring in accordance with the attached standard D-20.

Open trenches or pits shall be filled at the end of each day. With permission from the District Transportation Administrator, trenches and pits may be left open for short periods of time if properly protected. In no case shall trenches or pits be left open over a weekend.

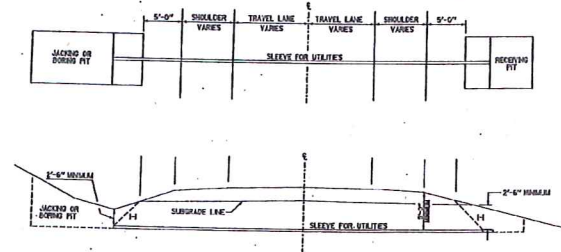
It is incumbent upon the Permit Holder to verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency of Transportation Standards and any additional traffic control deemed necessary by the District Transportation Administrator. Failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

Construction will be performed in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, a sign package that conforms to the MUTCD or VAOT Standards, and trained Flaggers shall be provided. The District Transportation Administrator may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the District Transportation Administrator may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of UTOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

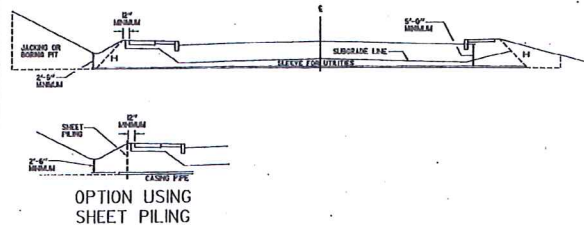


STANDARD B-71

DETAIL "A"
JACKING, BORING, AND DIRECTIONAL BORE - UNCURBED TYPICAL

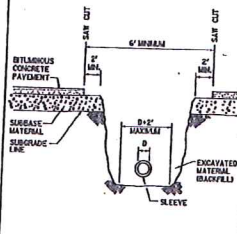


DETAIL "B"
JACKING, BORING, AND DIRECTIONAL BORE - CURBED TYPICAL

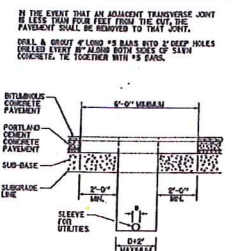


OPEN CUT AND PAVEMENT REPLACEMENT
APPLICABLE ONLY WHEN SPECIFICALLY AUTHORIZED BY HIGHWAY PERMIT

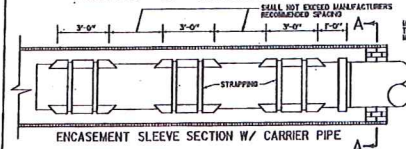
DETAIL "C"
OPEN CUT EXCAVATION
ACROSS BITUMINOUS
CONCRETE PAVEMENT



DETAIL "D"
OPEN CUT W/ PORTLAND
CEMENT CONC. PAVEMENT



DETAIL "E" CONCRETE OR STEEL SLEEVE



GENERAL NOTES

1. SLEEVE SHALL BE OPEN VERTICALLY FIVE FEET OUTSIDE THE SHOULDER POINT OR END OF FOOT BASE OF THE STRUCTURE, TO ALLOW FOR A SHORTER SLEEVE.
2. SEE DETAIL "A" OR "B" FOR DETERMINING SLEEVE LENGTH.
3. IN THE EVENT THAT PERMISSION IS GRANTED TO CUT AN EXISTING PORTLAND CEMENT CONCRETE PAVEMENT, ALL CUTS SHALL BE MADE WITH A SAW TO FULL DEPTH.
4. PORTLAND CEMENT CONCRETE PATCHES SHALL BE PROPERLY CURED FOR SEVEN DAYS BEFORE BEING SUBJECTED TO TRAFFIC LOADS. WHEN HIGH EARLY STRENGTH CEMENT IS USED, PROPER CURE FOR THREE DAYS SHALL BE REQUIRED BEFORE BEING SUBJECTED TO TRAFFIC LOADS. WHEN A HIGH STRENGTH, QUICK SETTING CONCRETE PATCHING COMPOUND IS APPROVED, IT SHALL BE PROPERLY CURED ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS BEFORE BEING SUBJECTED TO TRAFFIC LOADS.
5. ALL EXPOSED BITUMINOUS SURFACES SHALL BE COVERED WITH DRY LAYERED ASPHALT PRIOR TO PLACEMENT OF NEW BITUMINOUS PAVEMENT.
6. BITUMINOUS CONCRETE PAVEMENTS SHALL BE REPLACED WITH BITUMINOUS CONCRETE PAVEMENT AT THE SAME THICKNESS AS THE EXISTING PAVEMENT, AND IN ACCORDANCE WITH THE LATEST STANDARD SPECIFICATIONS FOR CONSTRUCTION, SECTION 406. PORTLAND CEMENT CONCRETE PAVEMENT AND SUBGRADE ARE TO BE REPLACED IN KIND. MATERIAL BELOW SUBGRADE TO BE REPLACED WITH EXCAVATED MATERIAL, OR AS DIRECTED BY THE ENGINEER. ALL EXCAVATED MATERIAL SHALL BE MADE IN SITU AND MAXIMUM DRY DENSITY AND COMPACTED TO NOT LESS THAN 90% MAXIMUM DRY DENSITY.
7. THE DIAMETER OF THE ENCASEMENT SLEEVE SHALL BE EQUAL TO THE DIAMETER OF THE CARRIER PIPE PLUS TWELVE (12) INCHES. (SEE LATEST SPECIFICATIONS, SECTION 412, FOR EXCEPTIONS.)

REVISIONS AND CORRECTIONS
DEC. 23, 1974 - ORIGINAL APPROVAL
SEPT. 9, 1975 - CARRIER PIPE AND PORTLAND CEMENT
NOTES REVISED
OCT. 30, 1985 - REVISED TO CONFORM WITH
1984 SPECIFICATIONS
JUNE 1, 1991 - REVISED WITHOUT CHANGE,
UNDER NEW SIGNATURES.
MAY 10, 1995 - REVISED WITHOUT CHANGE,
UNDER NEW SIGNATURES.
MARCH 3, 2003 - REVISED TO REFLECT CURRENT
DESIGN CRITERIA

APPROVED
DIRECTOR OF HIGHWAY DEVELOPMENT
CHIEF OF UTILITIES
REGIONAL HIGHWAY ADMINISTRATOR

**HIGHWAY CROSSING SLEEVES
FOR UNDERGROUND UTILITIES**



**STANDARD
D-20**